INVESTIGATION summary

Forest Practices Board

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Forest development plan public review and bark beetle management

Complaint Investigation 950019
Summary Report
FPB/IRC/01S
March 1996

This report provides a summary of a complaint investigation concluded by the Forest Practices Board in March, 1996. Investigation of public complaints is a primary responsibility of the Board under the Forest Practices Code of British Columbia. The names of the complainant and the subject of the complaint are not disclosed to protect the privacy of those individuals.

The Complaint

The Board received a complaint from a member of the public concerning an amendment to a licensee's Five Year Forest Development Plan. The complaint asserted that:

a licensee amended its forest development plan for a forest licence without providing adequate time for public review and comment.
a licensee was not practicing healthy forest management, in relation to a bark beetle infestation. The complainant asserted that the licensee failed to take the opportunity to selectively log the area covered by the plan in 1994, and now proposes to clear-cut the area.
The Board's Decision to Investigate

In assessing this complaint, the Board's staff considered whether the complaint was within the Board's jurisdiction and whether circumstances existed which could lead the Board to refuse to investigate.

The Board decided that the first part of the complaint involving operational planning had occurred since June 15, 1995, and was therefore within the Board's jurisdiction. The complaint was timely and there was no apparent administrative remedy to resolve the matter. No circumstances appeared to exist which would lead the Board to refuse to investigate.

The Board decided that the second part of the complaint was not within its jurisdiction as it involved a matter that occurred prior to June 15, 1995.

The Board decided that it must investigate the first part of the complaint.

Summary of the Facts of the Investigation 106-04555/

The Board's investigators spoke to the complainant and representatives of the licensee.

From these discussions it was determined that:

although the licensee was not required to meet the public review and comment requirements of the Act during the first six months (June 15 December 15, 1996) of the Code being proclaimed, the proposed plan amendment was advertised in the B. C. Gazette on August 3, 1995.
the complainant told the licensee that he received a copy of the gazetted notice on the last day for comment and did not have sufficient time to respond.
the licensee offered to meet the complainant and any other members of his community who might not have had an opportunity to respond.
this meeting took place on September 18, 1995. Attendees, including the complainant, were told that they could discuss this matter with the licensee at any time.
the complainant acknowledged these facts.
The Board concluded its fact finding and provided both the complainant and licensee with a summation of the facts. The Board made a preliminary conclusion that the complaint appeared to be unsubstantiated. and that the licensee had given ample time for public review and comment on the forest plan amendment.

Both parties were given the opportunity to make representations or otherwise present. further evidence to the Board supporting or refuting the facts by December 31, 1995. The Board did not hear further from either party.

Board's Conclusion

The Board concluded that the complaint that the licensee had amended its forest development plan without providing adequate time for public review and comment was unsubstantiated. Both complainant and licensee were informed of the Board's decision by letter.

Complaint Status

Closed

Comments

This is the first complaint investigation concluded by the Forest Practices Board.

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